MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2018/2019

UDL3612 – LAND LAW I

(All Sections / Groups)

19 OCTOBER 2018
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE (3) HOURS** in which to answer the questions.

2. This Question paper consists of 6 pages with 5 Questions only.

3. This Question paper consists of 2 sections. Attempt **ONE (1)** question only in **Section A** and all **THREE (3)** questions in **Section B**. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL COPY of: (i) National Land Code 1965 (Act 56 of 1965); (ii) Strata Title Act 1985 (Act 318); (iii) Strata Management Act 2013 (Act 757); and (iv) Land Acquisition Act 1960 (Act 486).

   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

SECTION A (Answer one Question only)

QUESTION 1

"The NLC is a complete and comprehensive code of law governing the tenure of land in Malaysia and the incidents of it, as well as other important matters affecting land there, and there is no room for the importation of any rules of English law in that field except so far as the Code itself may expressly provide for this."

UMBC v Pemungut Hasil Tanah Kota Tinggi [1984] 2 MLJ 87 Privy Council, as per Lord Keith of Kinkel at 91.

With reference to relevant cases, explain how the English equitable principles could be applied in Malaysian land law.

(Total : 25 marks)

Continued...

OR

QUESTION 2

(a) Naruto, Kakashi and Sasuke are the registered proprietors of a piece of land inherited from their father. There are three separate bungalows erected on that land. Naruto, Kakashi and Sasuke each own ½, ¼ and ¼ undivided shares respectively over the piece of land.

A dispute arises after Naruto marries Sakura and he wishes to end the co-ownership. Explain to Naruto on the process by which he may do so.

Advise Naruto on what could be done if Kakashi refuses to give his consent.

(10 marks)

(b) Mr. Wakanda is the holder of a temporary occupation licence in respect of a piece of disused mining land. The licence was given for the purpose of private residence. Mr. Wakanda was also given permission to rear fresh water fish in the mining pool for commercial purpose. Mr. Wakanda built a house and converted the mining pool into a fish pond.

In January 2018, a company, Mangkuk Construction ("the Company") was granted a licence to remove rock material from the mining land adjoining the land occupied by Mr. Wakanda. As a result of the excavation works carried out by the Company, a pond was naturally created on the land.

In September 2018, heavy rain caused the land occupied by Mr. Wakanda to sink and the banks of the fish pond to collapse. Mr. Wakanda believes that the excavation works carried out by the Company is the cause of the calamity.

Advise Mr. Wakanda and Mangkuk Construction on their respective legal rights.

(15 marks)

(Total: 25 marks)

Continued...

SECTION B (Answer all THREE questions)

QUESTION 3

(a) Mat Saba was granted a Temporary Occupation License (TOL) in March 2017 with a condition that the land to be used for agricultural activities only. Mat Saba occupied the land together with his son, Mat Tempe.

In May 2017, Mat Saba built a small hut and rented it out to Mat Kalut with a rental fee of RM150 per month. In July 2017, he built another house made of concrete and rented it out to Mat Ketar at RM700 per month. Mat Ketar loved the environment of the area and wanted to purchase the house he rented. This was agreed by Mat Saba and they entered into a Sale and Purchase Agreement for the purchase of the house.

One day, Mat Saba said to his son, if he is no longer in this world, all his rights shall be assigned to Mat Tempe and he shall take responsibilities of everything he has. In September 2017 Mat Saba died.

Discuss the relevant issue(s) involving the parties in the case including the State Authority's rights with regard to land held under Temporary Occupation Land (TOL).
(15 marks)

Continued...

(b) Lisa owns a piece of land in one kampung area in Semenyih. The land is located in a hilly area, where the atmosphere is very calming and peaceful. Lisa has a passion for welfare activities and is involved in many NGOs to help patients with chronic diseases. She plans to build a rehabilitation centre on the land which she wants to name as 'Villa Harapan'.

Nearby the area is a beautiful waterfall with beautiful scenery. The existing route to the waterfall takes about 25 minutes and the road is very swampy, dark and not safe. There is actually a shorter route to get there which is nearer and better, through another resident's home compound. Lisa is thinking about having one of the therapy sessions in her treatment module at the waterfall.

By taking into consideration the convenience as well as safety of her patients, Lisa decided to apply for Land Administration Right of Way (LAROW) from the Land Office to open up the proposed route.

Advise all the parties to the case including the Land Administrator. Support your answer with relevant provisions and cases.

(10 marks)

(Total : 25 marks)

Continued...

QUESTION 4

(a)

No.	Lot. No.	Area	Years	Category of land use	Location	Surveyed
1	1245	1500 sq. ft.	99 years	Building	Bandar Bukit Katil	No
2	3651	5 hectares	60 years	Agricultural	Mukim Kandang	Yes
3	2345	250 sq. m.	Perpetuity	Industry	Mukim Bkt. Cina	No
4	7896	4 acres	80 years	Building	Pekan Kesang	Yes
5	3456	1200 sq. m.	Perpetuity	Agricultural	Bandar Melaka	Yes

[sq. ft. = square feet; sq. m. = square metre, 1 hectare = 2.47 acres; 1 acre = 0.4 hectare]

With reference to above table, answer the following:-

(i) Final or qualified title.
(ii) Registry or Land Office title; and
(iii) Name and Form number of the title.

Explain your answer with reference to relevant statutory provisions.

(15 marks)

(b) With reference to relevant statutory provisions and case law (if any), distinguish between "common property" and "limited common property" in respect of a subdivided building or land.

(10 marks)

(Total : 25 marks)

Continued...

QUESTION 5

(a) "The right to property ownership is not absolute. This right has always been regarded as being subject to the rights of the States as eminent domain, and inherent right of the state, and an essential incident of the state sovereignty…".

Ainul Jaria & Ors, *Principle of Malaysian Land Law* (Kuala Lumpur: Lexis Nexis, 2008) p 489

In the light of the above statement, discuss the power of State to acquire private land in Malaysia. Support your answer with relevant provisions, cases and other authorities.

(17 marks)

(b) Abu is a registered proprietor of a piece of land located in a developing area in Kuala Lumpur. He received a notice from the authority on compulsory acquisition of his land. However he is not satisfied with the purpose stated and also feels that the compensation offered by the State Authority is not adequate.

Advise Abu.

(8 marks)

(Total : 25 marks)

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